IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 919-M of 2007

DATE OF DECISION : 01.03.2007

Avtar Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. J.S. Dadwal, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Avtar Singh, apprehending his arrest in a non-bailable offence in case FIR No. 237 dated 3.11.2006 registered under Section 420 IPC at Police Station Shimlapuri, District Ludhiana, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On January 11, 2007, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 19.12.2006, passed by Additional Sessions Judge, Judge, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that in the aforesaid FIR, it has been alleged that the petitioner had taken a loan of Rs. 1,20,000/- from the complainant and to secure the said loan, he handed over a cheque of the same amount to the complainant. It has been further alleged that subsequently the said cheque was not honoured by the bank on the ground that the account has already been closed. Counsel contends that in such a

situation, the complainant could have filed a complaint under Section 138 of the Negotiable Instruments Act and no offence under Section 420 IPC is made out.

Counsel for the petitioner further states that in terms of the interim order dated January 11, 2007, the petitioner has joined the investigation. The State counsel, after having instructions from ASI Jaswinder Singh, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated January 11, 2007, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 01, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**